IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 16765 of 2007(S)

PETITIONER:
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1. V.V.PURUSHAN, S/O.VELAUDHAN, AGED 41 YEARS,
SANKHYAPURI, UDYAGAMANDAL P.O.,
ELOOR, ERNAKULAM DISTRICT.

BY ADV. SMT.DAISY A.PHILIPOSE

RESPONDENTS:
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1. CORPORATION OF KOCHI, REPRESENTED
BY ITS SECRETARY.

2. KERALA STATE POLLUTION CONTROL BOARD,
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY.

3. MINISTRY OF ENVIRONMENT AND FOREST,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
PARYAVARAM BHAVAN, NEW DELHI.

R1 BY STANDING COUNSEL MR.S.RAMESH BABU
R2 BY STANDING COUNSEL MR.M.K.CHANDRAMOHAN DAS
R3 BY ASST. SOLICITOR GENERAL MR.P.PARAMESWARAN NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.Dattu, C.J. & K.T.Sankaran, J.

W.P.(C) No.16765 of 2007

Dated, this the 1st day of June, 2007

JUDGMENT

K.T.Sankaran, J.

This is a public interest litigation. The petitioner states that he was inducted in the Local Area Environment Committee by the Empowered Committee constituted by the Honourable Supreme Court. It is stated in the writ petition that the first respondent Corporation of Kochi has taken a decision to invite tenders for the supply of 2700 litres of Inoculum, which is a micro bacterial catalyst, for composting the solid waste. The grievance pointed out is that use of this micro organism will cause hazard to the environment and will lead to an environmental disaster.

2. It is pointed out by the petitioner that the Corporation has not approached the Committee constituted under the Rules for the manufacture, use, import, export and storage of hazardous micro-organisms and genetically engineered organisms or cells and obtained their permission and therefore, the decision to award the contract for supply of 2700 litres of Inoculum is against the Rules. It is stated that Rule 7 of the said Rules provides that no person shall import, export, transport, manufacture, process, use or sell any hazardous microorganisms of genetically engineered organisms/substances or cells except with the approval of the Genetic Engineering Approval Committee. The petitioner has not approached the Committee complaining that the first respondent has violated the Rules. Powers are conferred on the authority under Rules 14 and 15 for supervision and for imposing penalties. The petitioner has got an effective alternative remedy by approaching the authority under the Rules. Therefore, we are not inclined to entertain the writ petition at this stage.

Granting liberty to the petitioner to approach the appropriate authority, the writ petition is disposed of.

(**H.L.Dattu)**
Chief Justice

(K.T.Sankaran)
Judge

vns